

Region 8 UIC Program Snapshot October 2019

Regional Well Inventory

Region	State	Population	Area	Class	Class	Class	Class	Class	Class	Class
				I HW	I Other	II	III	III	IV	V
		(,000)	(sq.mi)	Wells	Wells	Wells	Sites	Wells	Sites	Wells
8	CO	4301	102868	0	19	901	5	33	0	2121
8	MT	902	138904	0	0	1178	0	0	0	6405
8	ND	642	69372	0	4	1290	0	0	0	668
8	SD	755	69179	0	0	87	14	14	0	377
8	UT	2233	81279	0	0	547	3	52	2	920
8	WY	494	94867	0	59	5029	9	10552	0	2410
Total		9327	556469	0	63	9032	31	10651	2	12901

UIC Program Managers

- Greg Sopkin, Regional Administrator
- Darcy O'Connor, Water Division Director
- Sarah Bahrman, Safe Drinking Water Branch Chief
- Douglas Minter, UIC Section Chief
- 8 Staff FTE and 4 SEEs in the permitting group
- Chuck Tinsley Retiring 10/31/19

Program Responsibilities - Primacy and DI

- Colorado, Montana, South Dakota, and the Fort Peck Tribes have 1425 delegation
- North Dakota, Wyoming and Utah have 1422 and 1425 delegation (full primacy).
- EPA has DI responsibility for Colorado, Montana and South Dakota (except Class II), and in Indian country

Regional DI Permitting Activities

- **ELMS:** Agency driver for timelier UIC permit issuance. Agency goal for all permitting programs is to issue final permits within 180 days of application. Barriers included poor quality applications (withdraw?), BIA jurisdictional/legal issues for tribal trust land wells (FBIR in ND), ESA/NHPA compliance issues, scheduling tribal consultations, and numerous adverse comments. Progress and issues are tracked monthly for management and discussed weekly with permitting staff. Development of various tools to improve permit timeliness including administrative checklist for operators to improve application quality. Operators are informed of our goal, notified in writing

of any application deficiencies and told that applications will be denied if deficiencies are not timely addressed. Some permits are able to be timely issued and some are not, and all “dormant” applications have been withdrawn by operators.

- **Class I:** Class I injection proposal from Cherokee Water District to dispose of secondarily treated domestic wastewater effluent east of CO Springs. Transition of Class I permits disposing of Kinder Morgan CO₂ production waste fluids in southwestern Colorado to Class II under COGCC given sustained, incidental hydrocarbons produced to the surface with the CO₂.
- **Class II:** Some disposal well permitting within the Uintah & Ouray Reservation in Utah’s Uinta Basin. Some prospect of EOR permitting but existing infrastructure for bringing oil to market continues to limit any significant expansion of oil production within the Basin. We continue to see a stream of disposal well applications on the FBIR in ND, about 3 to 4 per year. Received two disposal well applications on Southern Ute in CO in the past year for which permits were issued.
- **Class III:** Based on comments received on our Class III uranium ISR draft permit and associated deep Class V disposal well permit in 2017, we re-issued both permits with some revisions for public comment in late August, held a hearing in Hot Springs this past Saturday, and extend the comment period to December 9th. Almost all those attending this hearing expressed their opposition to the project. We expect that a decision to issue the final permits will be appealed and litigated by one or more tribal governments, some of which we have and will continue to consult with until a decision is made. Valois will present on this project later in our meeting.
- **Class V:** We are drafting a deep Class V area permit for Dewey Burdock uranium ISR wastewater disposal in SD. While SD bans Class I injection, this permit generally incorporates Class I standards for construction and operation. We issue our first Class V permit for ASR within Colorado and continue to conduct a midcourse evaluation of our rule-authorized ASR projects to determine which ones may need to be called in for permits. After initial denial of an aquifer exemption requested by American Gilsonite Company for disposal of mine water into the Birds Nest Aquifer, we approved the AE after AGC did more extensive modeling of the fate of injection fluids. We have disinvested in our Class V inventory field program to refocus more resources on improving the timeliness of our permits and other priorities.
- **Class VI:** We recently met with Noble Energy who is partnering with Xcel Energy in development of a large scale CO₂ geo-sequestration project proposed north east of Denver where there is considerable Class II disposal activity. The timing of an application is unknown but may still be several months away.
- **Data Analysis and Database Management:** We are leading an effort with other EPA Regions with comparable DI responsibilities in development of a multi-Regional database to realize better economies of scale for tracking and reporting on EPA permit and other activities. We continue to track all aquifer exemptions in our DI and State programs, and provide the data to OGWDW.
- **State/Tribal UIC Program Oversight and Regulatory Assistance:** We continue to approve aquifer exemptions primarily from CO and WY predominantly associated with Class II disposal. We continue to provide technical assistance to our State and Tribal UIC programs as we all continue to learn to use the new data app online reporting tool. In April, we did our part in helping stand up the new ND DEQ as a substantial revision through formal UIC rulemaking. We

completed our review of WY's Class VI primacy documents (e.g., rules) and expect to propose approval through rulemaking early next year.

Compliance and Enforcement:

- ***# of inspections/year***
 - Class I - 1 inspections/year
 - Class II - 400 inspections/year
 - Class III - 5 inspections/year
 - Class V - 150 inspections/year
- ***# of enforcement actions/year***
 - 8 UIC Class V Administrative Penalty Orders/year targeting MVWDW closures
 - 3 UIC Class I/II/III Administrative Penalty Orders (yearly average, but no currently pending)
- ***Sector/Well class focus & enforcement approach, judicial, administrative, etc:***
 - R8 is pursuing Administrative Penalty Orders for Class V MVWDWs and Large Capacity Cesspools wherever we identify these high priority wells. We are initiating a large capacity cesspool identification and closure effort focusing first on federal land management units.
 - In Class I, II, and III, we are trying to inspect each well every 2 or 3 years, and we are reviewing compliance with a group of more complex permit requirements in one aquifer in Utah.
- ***Participation in the OECA Energy Extraction initiative --***
 - Region 8 is targeting inspections at Class I and II UIC facilities in the onshore gas sector as part of the EEI.